

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO as representative of

THE COMMONWEALTH OF PUERTO
RICO, THE EMPLOYEES RETIREMENT
SYSTEM OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO,
AND THE PUBLIC BUILDINGS
AUTHORITY

*Debtors*¹

PROMESA
Title III

Case No. 17 BK 3283 – LTS
(Jointly Administered)

**CREDIT UNIONS' MOTION IN COMPLIANCE WITH ORDER REGARDING
ACKNOWLEDGEMENT OF CONSTITUTIONAL CHALLENGES, NOTICE OF
POTENTIAL PARTICIPATION, AND MOTION FOR ENLARGEMENT OF TIME BY
THE UNITED STATES OF AMERICA**

TO THE HONORABLE COURT:

COME NOW, Cooperativa de Ahorro y Crédito Abraham Rosa, Cooperativa de Ahorro y Crédito de Ciales, Cooperativa de Ahorro y Crédito de Rincón, Cooperativa de Ahorro y Crédito Vega Alta, Cooperativa de Ahorro y Crédito Dr. Manuel Zeno Gandía, and Cooperativa de Ahorro y Crédito de Juana Díaz, through the undersigned attorneys, (hereinafter, “the Objectors”, or “the Credit Unions”) and through the undersigned counsel state and pray as follow:

¹ The Debtors in these Title III Cases, along with each debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283- LTS) (Last Four Digits of federal Tax ID: 3481); (ii) Puerto Rico Sales tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

1. On October 19, 2021 the Credit Unions as creditors/claimants of the Commonwealth of Puerto Rico filed their *Credit Union's Joint Objection to the Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico et al.* (Docket Entry No. 18594) wherein as part of their arguments they challenged the constitutionality of the federal statute known as PROMESA, 48 U.S.C. § 2101 et seq., inasmuch as the treatment to their claims constitute a taking of their property without just compensation in contravention of the Fifth Amendment of the Constitution of the United States of America.²

2. On October 21st, 2021 this Honorable Court entered an *Order Regarding Notice of Constitutional Challenge to a Statute* wherein it certified to the Attorney General of the United States Finca Matilde's challenge to the constitutionality of PROMESA. On such Order this Honorable Court also certified other timely objections to the Plan which also raise constitutional questions, including the Credit Unions' challenge expounded in their objection to the plan. See Docket Entry No. 18620.

3. On November 17, 2021 the United States of America filed an *Acknowledgement of Constitutional Challenges, Notice of Potential Participation and Motion for Enlargement of time by the United States of America* (hereinafter, the US Motion), wherein it stated its statutory right to intervene in this case and requested an enlargement of time of 60 days to consider its intervention on the various constitutional challenges. Docket Entry No. 19282.

4. On November 17, 2021 this Honorable Court entered an Order wherein it granted all parties until today, November 18, 2021 at 5:00 PM (Atlantic Standard Time) to file responses to the USA Motion. The Order also grants the United States of America as movant until November 19, 2021 at 5:00 PM to file its reply. Docket Entry No. 19283.

² This objection to the plan of adjustment relates to the constitutional claims of the Credit Unions included in Adversary Proceedings 18-00028 and 19-00389, which are pending adjudication.

5. The Credit Unions herein comply with this Honorable Court's Order by stating that they do not oppose to the United States of America's request of enlargement of time of 60 days to consider its intervention in the constitutional challenges that have been posed in the instant case.

6. The Credit Unions herein expressly reserve their rights to present their position as to the United States' determination to intervene in the constitutional challenges and to its position regarding the constitutional challenges presented in the instant case, as well as to any other parties' position, which are crucial to this Honorable Court's determinations in the Confirmation of the Plan of Adjustment.

WHEREFORE, the appearing Credit Unions respectfully request from this Honorable Court to take notice of the foregoing and to find them in compliance with its order at Docket No. 19283.

Respectfully submitted, in San Juan, Puerto Rico this 18th day of November, 2021.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, in accordance with Fed. R. Bankr. P. 9014(b), Fed. R. Bankr. P. 7004(b), and the Court's Fifteenth Amended Notice, Case Management and Administrative Procedures Order [ECF#17127] (the "CMP Order"), that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the parties appearing in said system including the US Trustee and to all those parties registered to receive notice within the electronic notification service.



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